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6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
7

8 UNITED STATES OF AMERICA,)	NO. CV-05-217-EFS
Plaintiff,)	
9 vs.)	JUDGMENT AND DECREE
)	OF FORECLOSURE
10 Sam E. Davis and Deborah J. Davis,)	
11 Husband and Wife,)	
12 Defendants.)	

13 Plaintiff's Application for Judgment and Decree of Foreclosure upon Order
14 of Default having come on for consideration; the defendants Sam E. Davis and
15 Deborah J. Davis, husband and wife, being in default and their default having
16 been entered; and the Court being fully advised in the premises,

17 IT IS ORDERED, ADJUDGED, and DECREED as follows:

18 I.

19 Plaintiff is awarded judgment against defendants Sam E. Davis and Deborah
20 J. Davis, husband and wife, both individually and the community composed of
21 them, in the amount of \$577,507.73 (\$420,901.18 principal and \$156,606.55
22 interest accrued through February 22, 2005), plus interest at the rate of \$77.6097
23 per day from and after February 22, 2005, to the date of judgment; plus interest
24 from the date of judgment at the legal rate until paid in full; plus the costs of suit,
25 including the filing fee allowed pursuant to 28 USC § 2412(a)(2).
26

II.

The debt upon which this judgment is based is secured and perfected by the following:

(1) A real estate mortgage recorded September 3, 1998, under Auditor's File No. 869785, Official Records of Okanogan County, Washington.

(2) A real estate mortgage recorded May 21, 1998, under Auditor's File No. 865798, Official Records of Okanogan County, Washington.

(3) A real estate mortgage recorded February 2, 1999, under Auditor's File No. 3005484, Official Records of Okanogan County, Washington.

(4) An Assignment of Note and Mortgage recorded June 14, 2001, as Instrument No. 3035127, Official Records of Okanogan County, Washington.

(5) An Assignment of Note and Mortgage recorded June 14, 2001, as Auditor's File No. 3035125, Official Records of Okanogan County, Washington.

(6) Security agreements executed by defendants on February 20, 1997, January 27, 1998, and January 6, 1999, covering crops, proceeds therefrom, accounts, contract rights and general intangibles;

(7) A financing statement filed for record on February 20, 1997 as Instrument No. 97-051-0300, Official Records of Washington State Department of Licensing;

(8) A continuation statement filed for record on December 3, 2001, as Instrument No. 2001-362-3446-5, Official Records of Washington State Department of Licensing;

(9) A financing statement recorded May 21, 1998, as Instrument No. 865797, Official Records of Okanogan County, Washington;

(10) An assignment of the May 21, 1998 financing statement to Plaintiff recorded June 14, 2001, as Instrument No. 3035124, Official Records of

1 Okanogan County, Washington;

2 (11) A financing statement recorded September 3, 1999, as Instrument
3 No. 869783, Official Records of Okanogan County, Washington;

4 (12) An assignment of that financing statement to Plaintiff recorded
5 June 14, 2001, as Instrument No. 3035126, Official Records of Okanogan
6 County, Washington; and

7 (13) A financing statement recorded February 23, 2005, as Instrument
8 No. 3085776, Official Records of Okanogan County, Washington.

9 III.

10 The foregoing real estate mortgages, security agreements, and financing
11 statements cover the following described property situated in Okanogan County,
12 State of Washington:

13 REAL PROPERTY

14 See Exhibit A attached.

15 FIXTURES

16 All wind machines and irrigation equipment including, but not limited to
17 pumps, main lines, sprinkler pipes, and attachments located on the real property
described in Exhibit A.

18 IV.

19 Said real estate mortgages, security agreements, and financing statements,
20 which constitute first and prior liens upon the property described therein, are
21 hereby foreclosed and defendants Sam E. Davis and Deborah J. Davis, husband
22 and wife, both individually and the community composed of them, and all
23 persons claiming by, through or under them are forever barred and foreclosed
24 from asserting any right, title, or interest in and to said property, except for the
25 statutory rights of redemption allowed by the laws of the State of Washington,
26 and said property is hereby ordered sold in the manner provided by law with the

1 proceeds of such sale to be applied to the expenses thereof, and then in
2 satisfaction of the sums adjudged to be due plaintiff herein.

3 V.

4 Any party to this suit may become a purchaser at such sale.

5 VI.

6 The plaintiff shall not have a deficiency judgment in the event the sum
7 received from the sale is insufficient to pay the judgment in full.


8 DATED this 28th day of December, 2006.

9
10
11 s/ Edward F. Shea

12 EDWARD F. SHEA
13 United States District Judge

14 Presented by:

15 JAMES A. McDEVITT
16 United States Attorney

17 
18 s/ William H. Beatty
19 WILLIAM H. BEATTY
20 Assistant U.S. Attorney
Attorney for Plaintiff
USA-WAE-WBeatty

COPY

PARCEL "A":

The South half of the South half of the Northeast quarter of the Southeast quarter of Section 20, Township 37 North, Range 27, E.W.M., Okanogan County, Washington, EXCEPTING THEREFROM the following: Commencing at the Southeast corner of said subdivision, thence N. 89 deg. 28' 48" W., along the South line thereof, a distance of 949.14 feet to the true point of beginning; Thence continuing N. 89 deg. 28' 48" W., a distance of 324.87 feet to the Easterly right of way of County Road No. 3917; Thence along said right of way, N. 0 deg. 22' 51" E., a distance of 329.92 feet to the North line of said subdivision; Thence along said North line. S. 89 deg. 28' 48" E., a distance of 324.87 feet, thence S. 0 deg. 22' 51" W., a distance of 329.92 feet to the point of beginning.

PARCEL "B":

A parcel of land lying within the North half of the South half of the Northeast quarter of the Southeast quarter of Section 20, Township 37 North, Range 27. E.W.M., Okanogan County, Washington, more particularly described as follows: Commencing at the Southeast corner of said subdivision, and being the true point of beginning. Thence N. 89 deg. 28' 48" W., along the South line thereof a distance of 949.14 feet, thence N. 0 deg. 22' 51" E., a distance of 329.92 feet to the North line of said subdivision, thence S. 89 deg. 28' 48" E., along said North line, a distance of 292.13 feet to the Northwest corner of the North half of the Southeast quarter of the Northeast quarter of the Southeast quarter of said Section 20; Thence S. 0 deg. 22' 51" W., a distance of 15.0 feet, thence S. 89 deg. 28' 48" E., a distance of 657.01 feet, thence S. 0 deg. 22' 51" W., a distance of 314.92 feet to the point of beginning.

PARCEL "C":

All that portion of the West half of the Southwest quarter lying West of Okanogan County Road No. 3923, in Section 21, Township 37 North, Range 27 E.W.M. Okanogan County, Washington.

EXHIBIT A